

PAUL J. FISHMAN
United States Attorney
By: J. ANDREW RUYMANN
Assistant U.S. Attorney
402 East State Street, Room 430
Trenton, New Jersey 08608
Attorney for Defendant

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

JEFFREY A. MITCHELL,	:	Hon. Robert B. Kugler
	:	
Plaintiff,	:	
	:	
v.	:	Civil Action No. 09-680(RBK)
	:	
UNITED STATES OF AMERICA,	:	
	:	
Defendant.	:	
	:	

**FINDINGS OF FACT, CONCLUSIONS OF LAW
AND ORDER PURSUANT TO LOCAL CIVIL RULE 5.3(c)**

Defendant United States of America, having filed a Motion to Seal medical records attached to the Declaration of Donna M. Broome, which was submitted to this Court in support of defendant's Partial Motion to Dismiss for Lack of Subject Matter Jurisdiction, the Court makes the following findings of fact and conclusions of law, pursuant to Local Civil Rule 5.3(c):

1. The Court finds that plaintiff's Second Amended Complaint involves allegations of negligence against the United States.

2. The Court finds that defendant's Partial Motion to Dismiss seeks the dismissal of certain claims in the Second Amended Complaint. Specifically, defendant argues that certain claims in the Second Amended Complaint should be dismissed because plaintiff failed to comply with the jurisdictional administrative claim requirements of the Federal Tort Claims Act.

3. The Court finds that the medical records defendant requests should be sealed were provided to the Bureau of Prisons as part of his administrative claim submissions to the BOP and that those medical records are relevant to defendant's Partial Motion to Dismiss.

4. The Court finds that the medical records at issue contain confidential and private information concerning plaintiff's physical and mental health.

5. The Court finds that disclosure of those records to the public, via publication on the Court's docket, is unnecessary and would amount to the disclosure of confidential and private information and could injure plaintiff's interest in keeping such information confidential and private.

6. The Court finds that, because the records are relevant to issues raised in defendant's Partial Motion to Dismiss, a less restrictive alternative to sealing the records is not available.

7. Accordingly, the Court finds that good cause exists to seal the documents at issue under the considerations set forth in

Pansy v. Borough of Stroudsburg, 23 F.3d 772 (3d Cir. 1994) and Local Civil Rule 5.3(c). The Court therefore permits the requested documents to be maintained under seal.

KAREN M. WILLIAMS
United States Magistrate Judge

Dated: _____